



TNRCC TECHNICAL GUIDANCE

INDUSTRIAL & HAZARDOUS WASTE

SUBJECT: **Waste Transportation Regulation in Texas**

The State of Texas regulates the transportation of hazardous and some non-hazardous waste. Federal agencies such as the Department of Transportation (DOT) and the Environmental Protection Agency (EPA) also regulate some of these same wastes. This document is designed to help you locate the applicable regulations for transporting waste in Texas.

Hazardous Waste Transportation

What is hazardous waste?

The definition of "hazardous waste" is found in Title 40 Code of Federal Regulations (CFR) Section 261.3. Texas regulations embrace the same federal definition.

Who regulates the transportation of hazardous waste?

At the federal level, Part 263 of 40 CFR contains the Standards Applicable to Transporters of Hazardous Waste. These are EPA rules.

In Texas, Subchapter D of Title 30 Texas Administrative Code (TAC) Chapter 335 contains the Standards Applicable to Transporters of Hazardous Waste, found in Sections 335.91 - 335.94. This subchapter pertains to movement of hazardous waste on public roads and right-of-ways. However, this subchapter does not apply to on-site transportation of hazardous waste by generators or by owners or operators of storage, processing, or disposal facilities.

What do I need to do to transport hazardous waste?

According to 30 TAC Section 335.92, a transporter *must not* transport hazardous waste without a United States EPA identification number. To get the application form, EPA #8700-12, from the Texas Natural Resource Conservation Commission (TNRCC), contact the Industrial and Hazardous Waste Division's Waste Evaluation Section at **(512)239-6832**.

Transporters of hazardous and industrial Class 1 non-hazardous waste must also:

- 1) **register with the Data Control Team of the Waste Evaluation Section using the Solid Waste Transporter Notification Form; and**
- 2) **return the completed EPA form along with the Solid Waste Transporter Notification Form to the Data Control Team at the following address:**

Waste Evaluation Section
Industrial and Hazardous Waste Division
Texas Natural Resource Conservation Commission
P.O. Box 13087, Austin, TX 78711-3087



Once an EPA identification number is assigned, the transporter will be registered with both the EPA and the TNRCC. The assigned number is specific to the site and every transporter must have an individual identification number for each base of operations.

Are there specific waste management criteria for hazardous waste before and after transportation?

Subchapter D of 30 TAC Chapter 335 establishes standards for anyone transporting hazardous waste to *off-site* storage, processing, or disposal facilities. These standards are in addition to any applicable provisions contained in Subchapter A of Chapter 335. For example, transporters who store hazardous waste are considered owners or operators of storage facilities, and as such, are also subject to the permit requirements and storage standards contained in Chapter 335.

A transporter of hazardous waste must also comply with any standards applicable to generators of hazardous waste if the transporter:

1. **transports hazardous waste into the state from a foreign country, or**
2. **mixes hazardous waste of different United States DOT shipping descriptions by placing them into a single container.**

Additional standards relating to transporters of hazardous waste appear in Subchapter D of 30 TAC Chapter 335. This subchapter includes Section 335.93 which addresses hazardous waste discharges and Section 335.94 which addresses transfer facility requirements.

What does the DOT require?

DOT packaging/transportation requirements may be found in Title 49 CFR Parts 173, 177 and 178. Some of these regulations apply to generators of hazardous materials as well as to transporters.

What other requirements are there for hazardous and Class 1 industrial non-hazardous waste?

A definition of Class 1 industrial waste can be found in 30 TAC Section 335.505. Additional requirements include:

1. **Section 335.11 of 30 TAC, which specifies the Shipping Requirements for Transporters of Hazardous Waste or Class 1 (industrial) Waste; and**
2. **Section 335.14 of 30 TAC, Recordkeeping Requirements Applicable to Transporters of Hazardous Waste or Class 1 Waste.**

Both of these sections refer to a manifest. Form TWC 0311, entitled "Uniform Hazardous Waste Manifest", is the required document. This form may be obtained from the Waste Evaluation Section (address previously listed). The TNRCC does not assess any fees for these transporters.

Transportation of other wastes

What is special waste?

Special waste is defined as any solid waste or combination of solid wastes that because of its

- 1) **quantity,**
- 2) **concentration,**
- 3) **physical or chemical characteristics, or**
- 4) **biological properties requires special handling and disposal to protect the human health or the environment. If this waste is improperly handled, transported, stored, processed, disposed of or otherwise improperly managed, it may pose a present or potential danger to the human health or the environment.**

What are the requirements for asbestos transportation?

Asbestos is one type of “special waste”. Regulated Asbestos Containing Material (RACM), as defined in 30 TAC Section 330.2, must be handled as specified in 40 CFR Part 61. Transportation requirements include:

1. **getting a license from the Texas Department of Health to transport asbestos;**
2. **inspecting the load before transporting to make sure that it has been correctly packaged and labelled;**
3. **checking for proper completion of the manifest;**
4. **covering or enclosing the transport vehicles; and**
5. **displaying signs and markings in such a manner that they are easy to read. The signs must include the following language:**

“DANGER
ASBESTOS DUST HAZARD
CANCER & LUNG DISEASE HAZARD
Authorized Personnel Only”

For further information on asbestos abatement and handling and an application, contact the Texas Department of Health, Asbestos Abatement Program at **(512) 834-6600**.

For information on asbestos disposal, contact the Special Waste Team of the Waste Evaluation Section of the TNRCC at **(512)239-6832**.

What are the requirements for the transportation of medical waste?

The transportation of untreated special waste from health care related facilities, or medical waste, is regulated under 30 TAC Chapter 330. Subchapter Y discusses the management of medical waste, and Section 330.1005 specifically defines transporter requirements, including the use of a shipping document.

To register to transport medical waste, contact the Modifications and Registrations Team of the Permits Section of the TNRCC’s Municipal Solid Waste Division at **(512) 239-6781**.

What are the requirements for transportation of used oil and used oil filters waste?

Used oil and oil filters are another type of special waste. Rules applicable to non-industrial sources of used oil are found in 30 TAC Chapter 330 Sections 1141 - 1152; rules for non-industrial used oil filters are found in 30 TAC Chapter 330 Sections 1180 - 1189. The Recycling/Clean Texas 2000 program administers these regulations. A manifest is required to transport used oil; a bill of lading is required for used oil filters. For further information call **(512)239-6750**.

What are the requirements for the transportation of waste tires?

A waste tire recycling program is currently in effect at the TNRCC. Waste tire requirements including annual renewal of transporter registration and associated registration fees, program regulations regarding the collection, transportation and delivery of waste tires, transporter recordkeeping, vehicle and equipment standards, and the use of a manifest may be found in 30 TAC Chapter 330, Subchapter R. The TNRCC program may be contacted at **(512) 239-6001** to register waste tire transporters or to obtain a copy of the transporter rules.

What are the requirements for the transportation of other types of municipal solid waste?

Municipal solid waste (MSW) transportation is regulated under the Municipal Solid Waste Division of the TNRCC. The rules for the transportation of MSW are found in Title 30 TAC Chapter 330, Subchapter C. The sections involved include 330.31 - 330.34. A trip ticket is required to transport municipal solid waste in enclosed containers which go to Type IV landfills.

A special route permit for this type of transport must be obtained from the Modifications and Registrations Team of the Permits Section in the MSW Division.

What are the requirements for transportation of municipal sludges?

Categories of waste included here are municipal wastewater treatment plant sludge, water treatment plant sludge, grit and grease trap waste, and septic tank and chemical toilet waste. The sludge rules are found in 30 TAC Chapter 312, Subchapter G. Transporters, who are required to register with the TNRCC, must use a trip ticket. To register, contact Watershed Management Division's Permitting Section, Sludge and Transporter Review Unit at **(512)239-4438**.

What about tariffs and fees?

The Railroad Commission of Texas (RRCT) regulates motor carrier operations in the State of Texas. The definition of "specialized motor carrier" may be found in Title 16 TAC Section 5.4. In this regard the RRCT regulates those commercial carriers operating over public highways between two or more incorporated cities, towns or villages. Transporters must get specialized motor carrier authority from the RRCT to transport some types of waste. These include, but are not limited to, hazardous, Class 1 non-hazardous, untreated medical waste, and waste oil. The RRCT may charge a fee for transporting this kind of waste. For more information, contact the Transportation/Gas Utilities Division of the RRCT at **(512)463-7167**.



P.O. Box 13087
Austin, Texas 78711-3087